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Attorneys for Defendant Alan Jones

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LIGHT FIELD LAB,

Plaintiff,

vs.

ALAN JONES,

Defendant.

No. 4:23-CV-05344-YGR

**DEFENDANT’S REPLY TO PLAINTIFF’S
RESPONSE TO ORDER TENTATIVELY
GRANTING MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER
JURISDICTION**

Honorable Yvonne Gonzalez Rogers

Defendant Alan Jones is in receipt of Plaintiff Light Field Lab’s Response to Order Tentatively Granting Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. #56) filed in response to this Court’s April 19, 2024-order Denying Motions to Dismiss as Moot; Tentatively Granting Motion to Dismiss for Lack of Subject Matter Jurisdiction inviting Plaintiff to make a “showing that its declaratory judgment claim is justiciable.” Dkt. #55, p. 13 of 14. Plaintiff has chosen not to present any substantive basis that its declaratory judgment claim is justiciable in its response. Dkt. 56.

Defendant takes exception with Plaintiff’s characterization that “[i]n light of Defendant Alan Jones’s concessions in his papers that he has no right to exercise expired options, Light Field Lab no longer needs the court to declare the same.” This is a bald-face attempt to re-characterize this Court’s finding in its Order Tentatively Granting Motion to Dismiss for Lack of Subject Matter

1 Jurisdiction that “there is a mismatch between the cause of action underlying plaintiff’s claim for
2 declaratory relief and the causes of action that defendant threatened to file against plaintiff” because
3 “plaintiff’s declaratory relief claim does not ‘borrow’ defendant’s underlying causes of action, as it
4 must.” Dkt. 55, pp. 10-11 (citing *City of Reno v. Netflix, Inc.*, 52 F.4th 874, 879 (9th Cir. 2022).)
5 Plaintiff’s attempt to gloss over the fact that Defendant Alan Jones never made a claim that he had a
6 right to exercise expired options is patently dishonest.

7 In light of Plaintiff Light Field Lab’s non-substantive Response to Order Tentatively
8 Granting Motion to Dismiss for Lack of Subject Matter Jurisdiction, Defendant respectfully requests
9 the Court to enter a final order dismissing Plaintiff’s Complaint with prejudice and to enter judgment
10 thereon.

11 Dated: May 3, 2024

Respectfully submitted,

13 /s/ Frank S. Moore

14 Frank S. Moore

15 Attorney for defendant Alan Jones
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CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of May 2024, I electronically filed the foregoing
**DEFENDANT’S REPLY TO PLAINTIFF’S RESPONSE TO ORDER TENTATIVELY
GRANTING MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**
using the Court’s CM/ECF filing system which sends notification of such filing to all parties and/or
counsel of record.

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Dated: May 3, 2024

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/s/Frank S. Moore
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